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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 CYMEYON V. HILL,

12 Plaintiff,

13 v.

14 GREEN,

15 Defendant.  
16

No. 2:21-CV-2077-WBS-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brought this civil rights action pursuant to  
18 42 U.S.C. § 1983. Final judgment was entered on January 5, 2022, and this action is closed.  
19 Pending before the Court is Plaintiff's motion, ECF No. 18, for reconsideration of the Court's  
20 January 5, 2022, order and final judgment.


21 The Court may grant reconsideration under Federal Rules of Civil Procedure 59(e)  
22 and 60. Generally, a motion for reconsideration of a final judgment is appropriately brought  
23 under Federal Rule of Civil Procedure 59(e). See Backlund v. Barnhart, 778 F.2d 1386, 1388 (9th  
24 Cir. 1985) (discussing reconsideration of summary judgment); see also Schroeder v. McDonald,  
25 55 F.3d 454, 458-59 (9th Cir. 1995). The motion must be filed no later than twenty-eight (28)  
26 days after entry of the judgment. See Fed. R. Civ. P. 59(e). Under Rule 59(e), three grounds may  
27 justify reconsideration: (1) an intervening change in controlling law; (2) the availability of new  
28 evidence; or (3) the need to correct clear error or prevent manifest injustice. See Kern-Tulare

1 Water Dist. v. City of Bakersfield, 634 F. Supp. 656, 665 (E.D. Cal. 1986), rev'd in part on other  
2 grounds, 828 F.2d 514 (9th Cir. 1987), cert. denied, 486 U.S. 1015 (1988); see also 389 Orange  
3 Street Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999); accord School Dist. No. 1J v.  
4 ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993).

5 Under Rule 60(a), the Court may grant reconsideration of final judgments and any  
6 order based on clerical mistakes. Relief under this rule can be granted on the Court's own  
7 motion and at any time. See Fed. R. Civ. P. 60(a). Under Rule 60(b), the Court may grant  
8 reconsideration of a final judgment and any order based on: (1) mistake, inadvertence, surprise,  
9 or excusable neglect; (2) newly discovered evidence which, with reasonable diligence, could not  
10 have been discovered within ten days of entry of judgment; and (3) fraud, misrepresentation, or  
11 misconduct of an opposing party. See Fed. R. Civ. P. 60(b)(1)-(3). A motion for reconsideration  
12 on any of these grounds must be brought within one year of entry of judgment or the order being  
13 challenged. See Fed. R. Civ. P. 60(c)(1). Under Rule 60(b), the Court may also grant  
14 reconsideration if: (1) the judgment is void; (2) the judgement has been satisfied, released, or  
15 discharged, an earlier judgment has been reversed or vacated, or applying the judgment  
16 prospectively is no longer equitable; and (3) any other reason that justifies relief. See Fed. R.  
17 Civ. P. 60(b)(4)-(6). A motion for reconsideration on any of these grounds must be brought  
18 "within a reasonable time." Fed. R. Civ. P. 60(c)(1).

19 Because plaintiff has not satisfied any of the conditions for reconsideration, IT IS  
20 HEREBY ORDERED that Plaintiff's motion for reconsideration, ECF No. 18, is DENIED and  
21 this action remains closed.

22 Dated: February 14, 2022

23   
24 WILLIAM B. SHUBB  
25 UNITED STATES DISTRICT JUDGE  
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